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REMARKS

Claims 1-12 are pending, of which claims 5-12 have been withdrawn in compliance with the restriction requirement. Claims 1, 3 and 4 have been rejected. Claim 2 has been objected to but deemed to contain allowable subject matter. The applicants have amended claims 1 and 4. In particular, claim 4 was amended to correct a typographical error. The applicants believe that claims 1-4 are now in condition for allowance.

Restriction Requirement

The applicants hereby affirm the withdrawal of claims 5-12 from further consideration in response to the restriction requirement.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Claims 1, 3 and 4 have been rejected under 35 U.S.C. § 102(b), or in the alternative, § 103(a), over *Ellis* (U.S. 5,171,650). The applicants respectfully submits that, as amended, claims 1, 3 and 4 are allowable over the cited reference. Independent claim 1 requires a layer of IR-sensitive, non-ablative transfer material coating at least a portion of the substrate. The non-ablative feature is supported at least in the U.S. Patent 5,935,758, which is incorporated by reference into the present application. *See, e.g.*, column 9, line 63 through column 10, line 2 in the '758 patent. In contrast, *Ellis*, as its title makes plain, discloses an ablative image transfer system. As such, *Ellis* not only does not disclose every limitation of claim 1, but also teaches away from the invention claimed in claim 1. Claim 1 is thus neither anticipated nor made obvious by *Ellis*. Each of claims 3 and 4, being dependent on claim 1 and including additional features and advantages over prior art, is also not anticipated or made obvious by *Ellis*.

Claims 1, 3 and 4 have also been rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Neuman* (U.S. 5,576,142) or *DeBoer* '568 (U.S. 5,569,568) in view of *Van Zoeren* (5,506,086). The applicants respectfully traverse. As discussed above, independent claim 1 requires a layer of IR-sensitive, non-ablative transfer material coating at least a portion of the substrate. In contrast, the *Neuman* and *DeBoer* references, as the examiner pointed out in the Office Action, disclose making uv exposure masks by ablation. *Van Zoeren* is cited for disclosing the use of capture sheet. Thus, any combination of *Neuman* or *DeBoer* with *Van Zoeren* would not result in the claimed

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invention. *See*, MPEP 2143.03. Claim 1 is thus not obvious in light of the cited references. Each of claims 3 and 4, being dependent on claim 1 and including additional features and advantages over prior art, is also obvious over the cited references.

Claims 1, 3 and 4 have also been rejected under 35 U.S.C. §102(b), or in the alternative, § 103(a) as being unpatentable over *Weidner* (U.S. 6,165,671). The applicants respectfully traverse. As discussed above, independent claim 1 requires a layer of IR-sensitive, non-ablative transfer material coating at least a portion of the substrate. In contrast, *Weidner* discloses a laser donor element having a propellant layer comprising a gas-producing polymer. A gas-producing propellant responsive to IR radiation is typical of an ablation system. *See, e.g.*, column 1, lines 34-36 in the '758 patent. *Weidner* thus fundamentally discloses an ablative process in image transfer. Claim 1, and claims 3 and 4 by their dependency on claim 1, are therefore not anticipated by *Weidner*.

Allowable Subject Matter

Claim 2 has been deemed to contain allowable subject matter but objected to due to its dependency on a rejected claim. Because claim 1, the base claim of claim 2, should now be allowable, claim 2 should be allowable as well.

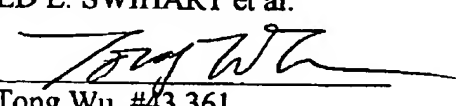
In view of the restriction requirement, applicant retains the right to present claims 5-12 in a divisional application.

Applicants respectfully submit that claims 1-4 are allowable and request that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,

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